

Docket No.: N0260.70068US01
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James W. Halbrook et al.
Serial No.: 10/550,978
Confirmation No.: 1639
Filed: December 11, 2006
For: XANTHONES, THIOXANHONES AND ACRIDINONES AS DNA-PK
INHIBITORS
Examiner: R. L. Anderson
Art Unit: 1626

Certificate of Electronic Filing Under 37 CFR 1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.8(a)(4).

Dated: September 18, 2009

Nicole May Gaffney (Nicole Gaffney)

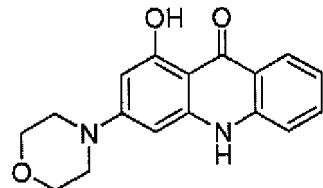
RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed August 18, 2009,
Applicant hereby provisionally elects Group I for continued examination.

As further required by the Examiner, Applicant further elects the following species/compound:



The species election is made with the understanding that it is required for searching purposes only and that all species will be considered should the generic claim be found to be allowable under 37 C.F.R. §1.141(a). Claims 1, 9, 22, 23 and 24 are believed to represent a grouping encompassing the elected species.

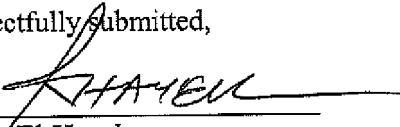
Having made the election, Applicant expressly reserves the right to file one or more continuing applications on the subject matter of the non-elected claims.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23/2825 under Docket No. N0260.70068US01 from which the undersigned is authorized to draw.

Dated: September 18, 2009

Respectfully submitted,

By


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